

PTO/SB/64 (09-04)

Approved for use through 07/31/2006. OMB 0851-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)  
AVAN/000419

First named inventor: Bernard Y. Malo

Application No.: 09/892,472

Art Unit: 2874

Filed: June 28, 2001

Examiner: Daniel J. Petkovsek

Title: LOCALIZED ANNEALING OF UV INDUCED INDEX GRATING-IN OPTICAL WAVEGUIDES

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact  
Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**☐ Small entity - fee \$\_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☐ Other than small entity - fee \$\_\_\_\_\_ (37 CFR 1.17(m))☒ The Commissioner is hereby authorized to charge counsel's Deposit Account No. 20-0782/AVAN/000419US the petition fee of \$1,500.00. (A duplicate copy of this form is included.)**2. Reply and/or fee**A. The reply and/or fee to the above-noted Office action in the form of a Response and Amendment (See attached sheet) (Identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_.
- ☒ is enclosed herewith.

B. The issue fee of \$\_\_\_\_\_

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[Page 1 of 2]

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### 3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$\_\_\_\_\_ for a small entity or \$\_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

### 4. STATEMENT. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

<u>Walter C. Grollitsch</u>	<u>11 March 2005</u>
Signature	Date
<u>Walter C. Grollitsch</u>	<u>48,678</u>
Typed or printed name	Registration Number, if applicable
<u>3040 Post Oak Blvd., Suite 1500</u>	<u>713-623-4844</u>
Address	Telephone Number
<u>Houston, Texas 77056</u>	
Address	

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other : \_\_\_\_\_

### CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(A)]

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-8306.

11 March 2005

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Walter C. Grollitsch

Signature

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Typed or printed name of person signing certificate

[Page 2 of 2]

MAR 11 2005

PATENT

Atty. Dkt. No. AVAN/000419

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	§	
Bernard Y. Malo	§	
	§	Group Art Unit: 2874
Serial No.: 09/892,472	§	
	§	Examiner: Petkovsek, Daniel J.
Confirmation No.: 3302	§	
	§	
Filed: June 28, 2001	§	
	§	
For: LOCALIZED ANNEALING OF	§	
UV INDUCED INDEX	§	
GRATING-IN OPTICAL	§	
WAVEGUIDES	§	

CONTINUATION OF SECTION 2A IN THE PETITION FOR REVIVAL OF AN  
APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR  
1.137(b)

A teleconference with the Examiner indicated that the file was lost internally at the United States Patent and Trademark Office and therefore the petition to revive and the response filed on November 25, 2003 was not entered in the record. As evidence of the petition to revive and response filed on November 25, 2003, please find attached a copy of the "Auto-Reply Facsimile Transmission" from the United States Patent and Trademark Office.

15 (including cover page)

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